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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/559,165 | 04/26/2000 | Charles J. Burnett | 10991753-1 | 1603 |
| 22878 | 7590 | 01/14/2005 | EXAMINER | |
| AGILENT TECHNOLOGIES, INC. INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT. P.O. BOX 7599 M/S DL429 LOVELAND, CO 80537-0599 | | | BARNIE, REXFORD N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2643 | |
| DATE MAILED: 01/14/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,165

Applicant(s)

BURNETT, CHARLES J.

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2,4-8,10,11,13-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-8,10,11,13-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

RJBarnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-8, 10, 11, 13-15 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahamim et al. (US Pat# 6,081,586) in view of Dahan et al. (US Pat# 6,611,580) or Frantz et al. (US Pat# 5,802,169).

Regarding claims 1 and 7, Rahamim teaches a modem in (see col. 8 and fig. 4A) having a programmable universal data/access arrangement comprising of a memory, a DAC or ADC in (see col. 7 line 53-col. 8 line 16), measuring impedance in (see col. 8 lines 51-63) and selecting one of the plurality of electrical parameters corresponding to a location including impedance by using an impedance matcher circuit in (162 of fig. 4A) but fails to teach "automatic" eventhough, arguably Rahamim's invention would function requiring no manual intervention but for the sake of argument,

Dahlan teaches a method and system for adaptively adjusting modem operating characteristics in (see col. 2 lines 23-41) wherein impedance level can be detected and automatically adjusted based on detected line characteristics for some modem. According to Dahlan, it could be done in some cases thus rendering it as prior art.

Frantz et al. teaches a system and method for transmission system automatic impedance matching by automatically determining the unknown impedance of a

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subscriber loop and making the change accordingly in (see col. 1 lines 5-10 and col. 2 lines 27-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary reference into that of Rahamim thus making it possible to provide a modem capable of conforming to different location standards or regulation without having to purchase another one.

Regarding claim 2, 4-6, 8 and 10, The combination teaches and renders obvious all the claimed subject matter of being able to control impedance either manually or automatically.

Regarding claim 11, see the explanation as set forth in the rejection of claim 1 in addition to the fact that impedance values would be configured to suit a given area based on stored parameter information either automatically or manually. Furthermore, according to (see col. 8 lines 27-30 of Rahamim), signals would include electrical adjustments for transmission over a network.

Regarding claims 13-14, The combination teaches and renders obvious all the claimed subject matter of being able to control impedances.

Regarding claim 15, see the explanation as set forth in the rejection of claim 1 in addition to the fact that Dahan teaches the possibility of being able to control voltage level so does Rahamim.

Regarding claims 17-19, The combination teaches and renders obvious all the claimed subject matter of being able to control impedances.

Regarding claims 20-23, the combination teaches impedance characteristics would include line impedance data in (see col.8 of Rahamim, col.2 line 23-41 of Dahan et al.).

Response to Arguments

Applicant's arguments filed on 09/10/2004 have been fully considered but they are not persuasive.

The applicant argued that the combination as set forth fails to teach automatically detecting line impedance and combining data to be transmitted over the telephone network with the selected set of impedance.

The examiner disagrees because first of all, it's known to transmit data by configuring a universal modem to adjust impedance values manually based on location including country where the modem would be used.

The combination as set forth in the rejection of the claimed subject matter teaches that loop DC resistance "impedance" can be determined as part of detecting loop measurements in (see col. 8 lines 54-57 of Rahamim) and according to (see col. 8 lines 26-41), measured values plays a role in the adjustment of parameters to be in compliance with regulatory standards when transmitting data over a network. According to Rahamim signals would be driven on a network loop having electrical characteristics compatible with the country.

Also, the idea of being able to measure impedance directly and then dynamically adapting to the impedance data to configure a modem for data transmission is taught as a possibility in (see col. 2 lines 23-40 of Dahan et al.).

Frantz teaches automatically determining impedance of a subscriber loop and correcting for mismatches even though, not measured directly, it's done automatically through a technique involving return loss. The step of 'automatically detecting impedance' is not really restricted to one technique.

The ability to superimposed transmitted data with impedance control values is conventional "PRIOR ART" and agreed by the applicant in (see page 8 line 21-page 10 line 5 of applicant's disclosure). Thus, for a universal modem to work in a given country there needs to be compatible between a modem and its location.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
01/11/05


REXFORD BARNIE
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